THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.25402 OF 2006

DATED: 26.11.2007

Between:

T. Papaiah

.. Petitioner

And

The Chairman, The Kurnool District Milk Producers Mutually Aided Cooperative Union Limited, Nandyal, Kurnool District and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.25402 OF 2006

ORDER:

This writ petition is filed challenging the order, in proceedings No.80/2003/E2, dated 31.10.2006, passed by the 1st respondent, whereunder the appeal filed by the petitioner, being aggrieved by the order, dated 31.08.2006, passed by the 2nd respondent terminating his services, was rejected on the ground that the same was filed with a delay of three days.

2. It appears, the services of the petitioner were terminated by the 2nd respondent, vide order dated 31.08.2006, for certain irregularities committed by him. Aggrieved thereby, he preferred a statutory appeal before the 1st respondent. It seems, the termination order, dated 31.08.2006, was served on the petitioner on 04.09.2006, and, thus, the appeal was to be preferred within 30 days therefrom i.e. on or before 04.10.2006. But, it seems, the appeal was filed with a delay of three days i.e. on 07.10.2006, and the reasons furnished by the petitioner for the said delay of three days are that, on 04.10.2006, he went to the office of the 1st respondent for filing the appeal, but the office staff refused to receive the same stating that Chairman was not available, and, again, on 05.10.2006, he tried to file the appeal, but the same was not accepted, therefore, he sent it by registered post on 06.10.2006,

which was received by the 1st respondent on 07.10.2006. But, the 1st respondent, by the impugned order, rejected the appeal stating that it should have been submitted so as to reach him on or before 04.10.2006, but it was received on 07.10.2006.

3. I am of the opinion that the approach made by the 1st respondent, in rejecting the appeal on the ground that it was filed with a delay of three days, which is very short, is not rationale and reasonable, but is a pedantic approach. The appeal could not have been rejected for that short delay.

4. Under those circumstances, I deem it appropriate to set aside the impugned order, dated 31.10.2006, and the same is, accordingly, set aside. The 1st respondent is directed to take up the appeal filed by the petitioner on file and dispose it of, within a period of six weeks from the date of receipt of a copy of this order, as per law, and communicate the order to the petitioner.

5. The writ petition is, accordingly, allowed. No costs.

_____

JUSTICE C.V. RAMULU

26th November, 2007.
IBL